

TTAB

ATTORNEY DOCKET: 92169.66001
TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In re: Trademark application of
Westlake Plastics Company

Serial No: 76/281,005



Filed: July 6, 2001

12-12-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Mark: IMIDEX

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MOTION FOR CONTINUED SUSPENSION OF APPEAL

BOX TTAB

Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Applicant, through its undersigned counsel, hereby moves this Board for an order continuing the suspension of the instant appeal, and the requirement for applicant to submit an appeal brief, for two months, until February 15, 2004, in lieu of the requirements set forth in the Communication of Trademark Information Systems Specialist Johnson dated October 3, 2003 for submission of a brief or remand of the application accompanied by a consent agreement.

Attached hereto is a photocopy of a letter from applicant's undersigned counsel to Joseph E. Palma, Esquire, general counsel for the applicant. As it is set forth in the

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letter to Mr. Palma, the applicant had informed undersigned counsel for the applicant that the applicant was in the process of acquiring some of the business of the then-current owner of U.S. registration 843,945 for the mark IMIDEX and pursuant to that acquisition the applicant would be acquiring ownership of U.S. registration 843,945 for the mark IMIDEX.

U.S. registration 843,945 for the mark IMIDEX is the trademark property which has been cited against the instant application; acquisition of that U.S. registration by the applicant moots the current rejection of the instant application.

Undersigned counsel has spoken with Mr. Palma. Mr. Palma is currently very busy relocating his office to a new office building in West Chester, Pennsylvania. Mr. Palma has reported that he has located the file for the acquisition of the business of the prior owner of U.S. registration 843,945 for the mark IMIDEX by Westlake Plastics Company and is in the process of forwarding an assignment evidencing transfer of ownership of U.S. registration 843,945 for the mark IMIDEX to Westlake Plastics Company. As soon as that assignment has been received, it will be forwarded to the Trademark Trial and Appeal Board in order to moot the instant appeal. Mr. Palma has informed the undersigned counsel for the applicant that Mr. Palma had some difficulty locating the file since the file had been handled by an associate attorney in Mr. Palma's office who is no longer in the employ of Mr. Palma, and this difficulty has been compounded by the move of Mr. Palma's offices and files.

In light of this, applicant respectfully submits that a further two month extension of the suspension of the appeal is appropriate and is accordingly solicited.

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To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

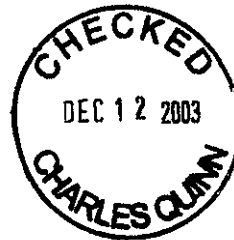
Respectfully submitted,



Charles N. Quinn
Attorney for Applicant

Date: December 12, 2003

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I hereby certify that this paper, along with any paper referred to as being attached or enclosed and/or fee is being deposited with the United States Postal Service, "Express Mail - Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated below, and is addressed to the Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513.

December 12, 2003
Date of Deposit


Signature

Sherry Barag
Type or print name of person

FOX • ROTHSCHILD

ATTORNEYS AT LAW

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October 10, 2003

Joseph E. Palma, Esquire
Palma & Sbarbaro, L.L.C.
107 South Church Street
West Chester, PA 19382-3252

Re: **U.S. Trademark Application for "IMIDEX"**
Our Ref.: 92169.66001

Dear Joe:

Sometime ago, at the direction of Ed Westlake, Jr., we filed an application to register the mark IMIDEX on behalf of Westlake Plastics Company in the United States Patent and Trademark Office.

That application remains pending.

Some time after Mr. Westlake instructed us to file the application, it came to light that there already was an extant United States trademark registration for the mark IMIDEX. That registration was cited against the application we have filed on behalf of Westlake Plastics Company for registration of the mark IMIDEX.

When I spoke with Ed Westlake about this, he informed me that Westlake Plastics Company was in the process of acquiring some of the business of the then current owner of U.S. registration 843,945 for the mark IMIDEX and that pursuant to that acquisition Westlake Plastics would be acquiring the ownership of U.S. registration 843,945 for the mark IMIDEX. Ed told me that the transaction was being handled by a lawyer in your office, John Gavagos (the spelling is probably wrong) and I subsequently spoke with him about the transaction (this was a while ago). He assured me that Westlake Plastics was obtaining an assignment of U.S. registration 843,945 for the mark IMIDEX and we agreed that once that assignment was obtained and recorded in the United States Patent and Trademark Office, it would moot the objection which had been raised to the application we have filed on behalf of Westlake Plastics Company to register the mark IMIDEX.

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Joseph E. Palma, Esquire
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To the best of my knowledge and recollection we never received that assignment. Moreover, I called your office a few weeks ago, while you were on vacation, and was told that the individual handling that matter no longer worked for you.

May I ask you to dig into this at your convenience and let me know what your file shows relating to this situation? We need to clear this up so that we can decide either to abandon the current application pending in the United States Patent and Trademark Office or to record the assignment and thereby have the application now pending in the United States Patent and Trademark Office proceed to be published for opposition purposes.

I look forward to hearing from you.

Regards,

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles N. Quinn", with a stylized flourish at the end.

Charles N. Quinn

CNQ/ryb